



TOWN OF WELLFLEET

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Tel (508) 349-0300 Fax (508) 349-0305
www.wellfleetma.org

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2018 MAR 15 A 8:44

TOWN CLERK
TOWN OF WELLFLEET

To: Joseph Powers, Town Clerk
From: Harry Sarkis Terkanian
Subject: Charter Review Committee: Final Charter Draft and Summary of Major Charter Changes
Date: March 12, 2018
CC: Daniel Hoort, Town Administrator, and Members of the Committee

On behalf of the Charter Review Committee please find two documents: The Committee's final draft of proposed changes to the Wellfleet Town Charter; and a memorandum summarizing the major changes in the draft.

The enclosed charter draft differs from the copy posted on the Town's web site earlier this year in the following respects:

- In response to comments from town counsel, section 3-5-3 has been amended by replacing the reference to "MGL chapter 48, section 42" with a reference to "MGL chapter 48 sections 42, 43 and 44." Sections 43 and 44 also govern a fire department operating under section 42.
- Section 3-6-1 contained duplicate subsections "(d)"; the latter of the two has been re lettered as subsection "(e)" to remove the duplication and for consistency with the current Charter.
- In response to comments from town counsel, the reference to "this Charter" in section 4-1-3 has been changed to "Chapter 4 of this Charter." This clarifies that section 4-1-3 applies only to appointments by the Selectboard.
- In section 5-3-2, subsection (m) had previously been deleted by the Committee without replacing it with a placeholder; subsection (m) "Deleted <date of 2019 ATE>" has been inserted to track the deletion of subsection (m) and to preserve consistent numbering with the current Charter of subsection (n).
- In response to comments from town counsel, section 6-5-5 (line 5) the opening and closing "window" for the date of a special election to replace a recalled officer has been changed from "not less than forty-five nor more than sixty days" to "not less than sixty-four nor more than eighty days." This allows the time for completion of all steps required to conduct a special election under the General Laws.



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To: Joseph Powers, Town Clerk, Dan Hoort, Town Administrator and Charter Review Committee members
From: Harry Sarkis Terkanian
Subject: Report of the Charter Review Committee and Summary of Major Charter Changes
Date: March 12, 2018

Wellfleet's Home Rule Charter, adopted in 1985, is essentially a constitution for the Town of Wellfleet. Adopted pursuant to Article 89 of the Massachusetts Constitution and the Home Rule Procedures Act, General Laws, chapter 43B, it sets out the basic framework for Wellfleet's town government. The Charter allows the Town to customize certain provisions of the General Laws to suit Wellfleet's specific requirements. The Charter has been amended on ten occasions since its adoption, with a major revision in 2005.

Article 32 of the 2016 Annual Town Meeting authorized the creation of a seven member Charter Review Committee consisting of a member of the Board of Selectmen, a member of the Planning Board, a member of the Bylaw Committee and four members at large appointed by the Moderator. The article authorizing the Committee was essentially the same as Article 18 of the 2004 Annual Town Meeting, which created the previous Charter Review Committee.

The Committee consists of: Debby Freeman, Chair; Dennis O'Connell, Vice Chair; Barbara Cary, Secretary; Helen Miranda Wilson; Roger Putnam; Harry Terkanian; and Paul Cullity.

Commencing in June 2016 the Committee held approximately two dozen meetings, which included meetings with Town officials. Public comment was solicited through the Town's web site. The Committee reviewed all comments received through March 8, 2018.

In January 2018 the Committee completed its proposed revisions to the Charter and issued three documents: the proposed revised Charter; a redline comparison with the current Charter; and a transmittal memorandum summarizing significant changes. Review of the draft by Town Counsel has been requested and is expected soon. Subsequently the Committee considered and acted on the comments of counsel.

Process for revising a home rule charter.

There are two procedures for amending a home rule charter set out in General Laws, chapter 43B. One requires an elected charter commission. Wellfleet used this provision in adopting the initial charter in 1985. The other procedure has been used in Wellfleet for subsequent charter amendments and is the one used this time. That procedure is as follows:

- Articles proposing charter changes are included in a town meeting warrant and considered by the meeting. The Committee's proposed revisions will go before town meeting in this fashion. By a two-thirds vote the meeting can propose a charter amendment.
- Any amendment proposed by town meeting is sent to the Department of Housing and Community Development and to the Attorney General for review.
- Within four weeks the Attorney General will issue an opinion whether the proposed charter amendments are consistent with the constitution and laws of Massachusetts. If the Attorney General is of the opinion that the amendments present a conflict, no further action may be taken on them until the issue is resolved. Resolution may require further revision and action by a subsequent town meeting.
- A summary of the proposed charter change is prepared by town counsel for inclusion on the ballot for the next annual town election (which must occur more than two months after the town meeting vote.) In Wellfleet, because the annual town election follows the annual town meeting by a week or less, this means that the annual town election vote will in the year following town meeting action.
- If a majority at the annual town election approves the charter changes the charter changes become effective.

Proposed Changes to the Charter:

The Committee is aware that there has been discussion about the choice of appointing authority for the Shellfish Constable. The current charter places that authority with the Board of Selectmen. The Committee's proposal places that authority with the Town Administrator. In order to provide an opportunity for debate on this issue separate from the remainder of the proposal the Committee will offer an amendment to restore the appointing authority for this office to the Selectboard. While the Committee will offer this amendment, the majority of the Committee does not support the adoption of the amendment.

A summary by chapter of significant changes and the reasons for them follows. Throughout, the numbering system of the previous Charter has been retained and, at times, creates some awkwardness in presentation but this has been done for consistency with historic information.

Chapter 1:

Changes are primarily for clarity. The definition of "Multiple Member Body" in section 1-7 was replaced with a definition of "Committee" which refers to all committees, boards and commissions. The former term was considered cumbersome and was used infrequently.

Chapter 2: Town Meeting.

Section 2-2-2 was changed to make the parliamentary manual of town meeting the *current* edition of Town Meeting Time and to list other sources of authority in decreasing order of precedence (Mass. General Laws, Town bylaws, Town Meeting Time).

Section 2-3-4 changed the time that must elapse after the Selectboard has called a special town meeting to 45 days in order to allow time for initiative petitions. Under the current

Charter it can be difficult or impossible to submit petitioned articles for special town meetings.

Section 2-4-1 was changed to clarify the process to occur after the filing of an initiative petition.

Section 2-4-2 changed the deadline for initiative petitions for the annual town meeting from prior to March first to 60 days prior to town meeting. The increase is only a few days and is designed to allow time for petitioned articles to be circulated among town committees for comment and/or recommendation prior to publication of the warrant (which typically goes to the printer around March 20th.)

Section 2-6 was changed to reflect the fact that there are currently two enterprise budgets and a capital budget in addition to the operating budget and also to reflect the fact that capital expenditures, which require borrowing, are normally placed in separate articles because a super majority vote is required to approve them.

Section 2-7 was rewritten to consolidate the requirements for recommendations into one section 2-7-1. Recommendations are no longer mandatory. The requirement of a two-thirds vote to consider articles lacking a recommendation has been removed. In instances where such a vote was previously required in the past it has occurred routinely and without debate. Removing the requirement also prevents a committee, by declining to make a recommendation, from forcing a two-thirds vote for consideration of an article.

Section 2-8 was rewritten to consolidate the appointment authority (Section 2-8-1) and reporting requirements (Section 2-8-2) for town meeting committees. All such committees must now report at the next town meeting occurring more than six months after committee creation. Previously there were differing reporting requirements for committees depending on whether they were created at an annual or a special town meeting.

Chapter 3: Selectboard

Where referring to the Wellfleet Board of Selectmen, the terms “board of selectmen” and “selectman” are changed to gender-neutral nouns throughout the Charter.

Section 3-5-3 replaces the former detailed provision governing the fire department with the “strong chief” statute for the fire department (General Laws, chapter 48, sections 42, 43 and 44.) The former language lacked precision and as it was unique to Wellfleet. The “strong fire chief” law has been in effect in Massachusetts and is well understood. The committee considered a memorandum prepared by a member comparing and contrasting Wellfleet’s language with that of the “strong chief” statutes for both the fire and police departments. The Wellfleet Police Department has successfully operated under a similar “strong chief” law (General Laws, chapter 41, section 97A) for many years.

Section 3-6. Powers of appointment. This section has been extensively revised. The power to appoint town officers, committees and employees has been divided between the Selectboard and Town Administrator as follows. Officials that have significant public policy responsibilities (Town Administrator, Town Counsel, Police Chief and Fire Chief) are the sole prerogative of the Selectboard (Section 3-6-1.) Generally, committee appointments are also the sole prerogative of the Selectboard (Section 3-6-2, 3-6-3 & 3-6-4.) Many committee appointments have been moved from other sections in the Charter (primarily from Chapter 8) to consolidate Selectboard committee appointments in this chapter this chapter. Some new provisions have been added to allow alternates to be

appointed to committees, specifically to regulatory committees. Appointments of other Town officials have been moved to the Town Administrator with the caveat that appointment of department heads and certain other employees may only be made by the Town Administrator after providing the Selectboard with an opportunity to disapprove the appointment (Section 5-4-2.) The rationale for moving responsibility for these appointments to the Town Administrator is because the responsibility for their performance rests with the Town Administrator. Having an appointee responsible to one person for job performance and to a different body for appointment creates an environment where the Town Administrator has the responsibility, but lacks the effective authority to manage such employees.

Section 3-6. Alternates. For several regulatory committees provisions have been made for alternates who can participate where a regular member is unable to participate or in the case of a vacancy. Alternates have worked well on the Zoning Board of Appeals.

NOTE: The change to the appointing authority for the shellfish constable and herring warden is one issue on which the Committee was not unanimous.

Section 3-6-5 makes clear that those committees appointed by the Selectboard are responsible to the Selectboard.

Section 3-7-2 has been revised to allow for the appointment of members of the Selectboard to other committees in limited circumstances with approval of the Annual Town Meeting. This limited exception to the general rule that members of a board of selectmen cannot appoint themselves to positions they supervise is authorized by the Conflict of Interest statute (chapter 268A) and has been used in Wellfleet in the matter of appointment of Selectboard members to the Herring River Executive Council. Selectmen have also served on other ad hoc committees such as employment screening committees.

Chapter 4: Other Elected Town Boards and Officers

Section 4-1-3 has been revised to reflect the statutory process for filling committee vacancies (General Laws, chapter 41, section 11), which provides for appointment by joint vote of the remaining members of the committee and the Selectboard during the first 30 days. Thereafter the Selectboard is free to fill the vacancy without committee involvement.

Section 4-1-1 lists elected boards and 4-2-1 lists elected officers. There has been no change to the committees and officers to be elected.

Chapter 5: The Town Administrator

Many of the changes to Chapter 5 are clarifying language. For example, the addition of a reference to enterprise budgets in Section 5-3-2 (b).

Section 5-3-2 (h) makes the Town Administrator the chief procurement officer for the Town. Public procurement laws require a chief procurement officer in order to solicit requests for proposals. Wellfleet currently has a patchwork of procurement officer designations many of which are not current. As chief procurement officer the TA can delegate this authority where appropriate.

Section 5-4 Responsibilities for appointments, is the companion section to the revisions to the Selectboard's power to appoint in Section 3-6. The general power to appoint as well as to discipline or dismiss employees is in Section 5-4-1. An exception is provided in Section 5-4-2 for specific positions (department heads, Town Accountant,

Harbormaster, Shellfish Constable, Herring Warden, Assistant TA, Town Clerk, Town Treasurer and Town Collector,) that are subject to disapproval by the Selectboard within 14 days of notice by the Town Administrator of the proposed appointment.

These changes to appointing authority reflect two changes: the shifting of some appointments from the Selectboard to the Town Administrator and limiting the Selectboard's power to disapprove to listed major appointments. The reason for the changes is to focus the Selectboard's power to appoint on positions with policy responsibilities consistent with the Board's role to provide policy leadership for the Town and to couple the Town Administrator's responsibility for employee performance with the power to appoint, discipline, and remove. Those positions listed in Section 5-4-2 represent a middle ground where concurrence of both the Town Administrator and Selectboard is appropriate.

Section 5-6 Administrative reorganizations still require approval of the Selectboard. The requirement for approval of the Personnel Board for the creation of new positions has been removed as such a decision is basically an operational and budget one which will be made with approval of the Selectboard and, to the extent there are financial implications, as part of the budget process which includes voter participation at town meeting.

Section 5-7 The previously included overly-extensive wording for Department of Public Works has been removed. No good reason has been advanced for the detailed list of duties or for their inclusion in this chapter and there are no similar provisions for other departments.

Section 5-8 Removal (of the Town Administrator). Changes here are procedural including an enlargement of the time in Section 5-8-3 within which the TA can request a hearing to ten days in recognition of the time a mailed notice might take to reach the TA. Section 5-8-4 requires that any removal hearing be public.

NOTE: The Committee does have a concern that certain grounds for removal may come with attached employee privacy rights, which may be in conflict with this provision; advice of counsel has been requested on this issue.

Chapter 6: Election and Recall

Changes to this Chapter have been to clarify language only. The time for scheduling a recall election in section 6-5-5 has been changed to comply with the Commonwealth's election laws.

Chapter 7: Financial Provisions

Section 7-2-1 Changes the Selectboard's budget message to a recommendation of the outer limits of budget growth. Currently the section provides that the message "sets a limit." This was changed to a recommendation as the message is a policy statement and the actual budget approval is the prerogative of town meeting.

Section 7-5 Capital Improvement Plan has changed the due date from "1st of June" to "not later than the first of October." The current Charter's June 1st date was designed to allow for consideration of capital requirements at a time different from the operating budget with the hope that it would receive more careful consideration. This has not been the experience. Rather, work on the capital improvement plan was compressed into the three weeks between the annual town election and June 1st resulting in a poor quality document. In recent years the plan has undergone significant revision during winter and

following spring, once the realities of the operating budget and taxation limits were considered.

Chapter 8: Town Committees Appointed by the Selectboard

The title of the Chapter was changed to clarify that committees appointed by other officers (Moderator) and other bodies (town meeting) are not covered by this chapter. A new Chapter, Chapter 8A, was added to consolidate requirements applicable to all committees.

For each committee the appoint language was moved to Section 3-6-3 (Selectboard appointments.)

In Section 8-2-1 Personnel Board, the Town Administrator was removed as a member. The TA currently serves “*ex officio* without vote,” an anomalous situation where the TA’s participation was essentially no different than that of any non-committee member in attendance.

Section 8-6A: Local Comprehensive Planning Committee. This is a new committee. There are currently two separate planning responsibilities. The General Laws impose a requirement on the Planning Board to create and maintain a master plan. The Cape Cod Commission Act imposes a requirement on the Town to create and maintain a local comprehensive plan. Current practice is to regard the local comprehensive plan as an effective substitute for the master plan. The Planning Board has not engaged in any master plan activities in recent years. This section creates a new committee to replace the current practice of occasional (once a decade) creation of a committee to update the plan. The composition and size of the committee is to be determined by the Selectboard. The Section places responsibility for the local comprehensive plan and its updates on this committee and provides that the local comprehensive plan shall also be the Town’s master plan, removing responsibility for the master plan from the Planning Board (at the Board’s request.)

Chapter 8A: Town Committees; General Provisions

General requirements for committees, currently scattered throughout the Charter have been consolidated in Chapter 8A. Provisions for alternate members, previously in sections relating to specific committees (e. g. zoning board of appeals, finance committee,) have been consolidated in Section 8A-1-8. Identification of committees authorized to have alternate members has been moved to appointment provisions in Section 3-6-3 (except for the finance committee in section 7-1-1 because the Moderator is the appointing authority.)

Chapter 9: Transitional Provisions

This Chapter provided for transitional provisions for the change in the clerk-treasurer and collector positions from elected to appointed. These provisions were originally to protect the rights of elected incumbents during their then current term in office. The terms of all affected officers have ended. These provisions are no longer required and the Chapter has been removed.

WELLFLEET HOME RULE CHARTER

RECEIVED

2018 MAR 15 A 8:45

TOWN CLERK
TOWN OF WELLFLEET



Adopted	April 29, 1985
Amended	May 2, 1988
Amended	May 1, 1989
Amended	May 4, 1992
Amended	April 29, 1996
Amended	May 1, 2000
Amended	May 2, 2005
Amended	May 5, 2008
Amended	May 5, 2014
Amended	May 4, 2015
Amended	<date of 2019 ATE>

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TOWN OF WELLFLEET

HOME RULE CHARTER

PREAMBLE

We, the people of the Town of Wellfleet, Massachusetts, in order to reaffirm the customary and traditional liberties of the people with respect to the conduct of local government and to take the fullest advantages inherent in the home rule amendments to the *Constitution of the Commonwealth of Massachusetts*, do hereby adopt the following home rule charter for this Town.

CHAPTER 1 TOWN INCORPORATION, FORM OF GOVERNMENT, AND POWERS

Section 1-1 Incorporation

1-1-1 The present Town of Wellfleet, within its territorial limits as now or as may hereafter be established by law, is hereby reincorporated and continued as a body corporate and politic with perpetual succession under the name- Town of Wellfleet.

Section 1-2 Form of Government

1-2-1 This document provides for an open town meeting-selectboard-town administrator form of municipal government, and it shall be known by the title: *Wellfleet Home Rule Charter*.

Section 1-3 Scope and Construction of Town Powers

1-3-1 The Town shall possess, exercise, and enjoy all powers possible under the constitution and statutes of the Commonwealth of Massachusetts as completely and fully as though they were expressly enumerated herein.

1-3-2 The powers of the Town under this Charter shall be construed liberally in its favor, and no specific charter grant of particular powers shall limit in any measure the general grant of power under Section 1-3-1.

Section 1-4 Intergovernmental Relations

1-4-1 Consistent with applicable constitutional or statutory provisions, the Town may exercise any of its powers, or perform any of its functions, and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more other municipalities, civil divisions, or agencies, of any state or the United States government.

Section 1-5 Continuation of Existing Laws

1-5-1 Massachusetts General Laws (MGL), special acts of the General Court, bylaws, votes, rules, and regulations of, or pertaining to the Town, which are in force when this Charter takes effect and which are not inconsistent with the provision of this Charter, shall continue in full force and effect until amended or rescinded by due course of law or expire by their own limitation.

Section 1-6 Amendment

1-6-1 This Charter may be replaced, revised or amended in accordance with the procedures set forth in the *Home Rule Procedures Act*, MGL Chapter 43B.

Section 1-7 Definitions

1-7-1 Unless another meaning is clearly apparent from the manner in which the word is used, the following words in this Charter shall have the following meanings:

- (a) *Bylaws*. The word “bylaws” shall mean bylaws adopted by the Town.
- (b) *Charter*. The word “Charter” shall mean this charter and any amendments to it made through any of the methods set forth in MGL.
- (c) *Committee*. The word “committee” shall, where the context permits, mean any board, commission or committee, or other multiple-member body of the Town consisting of two or more persons, whether appointed or elected.
- (d) *Day*. In computing time under this Charter, every calendar day shall be counted.
- (e) *Majority Vote*. The words “majority vote” shall mean a majority of those present and voting provided that a quorum of the body is present.
- (f) *Town*. The word “Town” shall mean the Town of Wellfleet.
- (g) *Town agency*. The words “Town agency” shall mean any board, commission, committee, department, agency or office of the Town government.
- (h) *Voters*. The word “voters” shall mean registered voters of the Town of Wellfleet.

CHAPTER 2 TOWN MEETING

Section 2-1 Composition, Quorum, and Adjournment

2-1-1 The legislative powers of the Town shall be exercised by a town meeting open to all voters of the Town.

2-1-2 Inhabitants of the Town and other persons who are not voters shall be admitted to a specially designated section of the auditorium. The Moderator may grant such persons the power to speak on any article.

2-1-3 The quorum necessary for the conduct of town meeting business shall be six percent of the currently registered voters of the Town for all sessions of town meeting.

2-1-4 At the beginning of each session of each town meeting, the Moderator shall announce the minimum number of voters needed to constitute a quorum.

2-1-5 When the number of voters in attendance at a town meeting is determined by the Moderator to be less than the established quorum, the Moderator shall adjourn the meeting to a stated date, time, and place.

Section 2-2 Presiding Officer

2-2-1 A Moderator, elected in accordance with Section 4-2, shall preside at all sessions of the Town Meeting.

2-2-2 The Moderator shall enforce procedural rules in accordance with this Charter, MGL, bylaws, and the current edition of *Town Meeting Time*.

2-2-3 The Moderator shall appoint:

(a) the members and alternate members of the Finance Committee; and

(b) such members of the Cape Cod Regional Technical High School Committee as may be prescribed.

2-2-4 When the Moderator is unable to preside at a legally called town meeting, the Town Clerk or a member of the Selectboard shall preside for the election of an acting moderator to serve with all the powers of a moderator until the Moderator resumes the duties of the office.

Section 2-3 Special Town Meetings

2-3-1 The Selectboard may call a special town meeting at any time and shall call a special town meeting upon request in writing of two hundred voters of the Town. A special town meeting shall not be held earlier than forty-five days after the date on which the Selectboard votes to schedule the meeting.

2-3-2 A special town meeting shall not be held earlier than fourteen days after the date on which a constable has certified that copies of the Warrant have been posted in two or more public places in the Town, including the Wellfleet Post Office and the South Wellfleet Post Office, and has deposited with the Town Administrator for distribution printed copies of the Warrant, of a number not less than the number of voters of the Town.

Section 2-4 Initiative

2-4-1 Any ten voters of the Town may secure the inclusion of an article in the Warrant of an annual town meeting by submitting a written petition to the Selectboard and filing it with the Town Clerk. At least one hundred voters may secure the same for a special town meeting.

2-4-2 The written petitions submitted under Section 2-4-1 shall be submitted at least sixty days prior to the date of an annual town meeting, and at least thirty-five days prior to the announced date of a special town meeting.

Section 2-5 Powers and Responsibilities

2-5-1 The Town Meeting shall consider and act upon, with or without amendments, all proposed bylaws.

2-5-2 The Town Meeting shall consider and act upon, with or without amendments, all proposed operating, enterprise and capital budgets, bond issues, and other financial proposals of the Town.

2-5-3 The Town Meeting may, through the Selectboard or a duly constituted special committee, investigate the affairs of any Town department, committee, officer, or function.

2-5-4 The Town Meeting shall consider all articles on the Warrant.

Section 2-6 Annual Town Meeting

2-6-1 The Annual Town Meeting shall convene annually on the fourth Monday in April in each year, unless otherwise provided by bylaw or by action of the Selectboard, to act upon annual operating, enterprise and capital budgets, other financial matters, and to consider and act upon such other business as may properly come before the meeting.

2-6-2 All proposed operating expenditures shall be included in a single article and shall be placed first in the Warrant.

2-6-2a A single article shall also be used to present all proposed capital expenditures which do not require a super majority or a capital or debt exclusion vote.

2-6-2b Each enterprise fund budget shall be included in a separate article.

2-6-3 The Warrant for each town meeting incorporating therein the appropriate recommendations, shall be prepared by the Selectboard and made available to residents of the Town at least fourteen days prior to the scheduled date of said town meeting.

2-6-4 The Annual Town Meeting shall not be held earlier than fourteen days after the date on which a constable certifies that copies of the Warrant have been posted in two or

more public places in the Town including the Wellfleet Post Office and the South Wellfleet Post Office, and have deposited with the Town Administrator printed copies of the Warrant of a number not less than the number of voters of the Town.

Section 2-7 Procedures

2-7-1 The Selectboard shall include in the Warrant the recommendations of all committees received by the Selectboard in time for inclusion.

2-7-2 Deleted <date of 2019 ATE>.

2-7-3 Deleted <date of 2019 ATE>.

2-7-4 The order of consideration of the articles as printed in the Warrant may be changed only by a two-thirds vote of the Town Meeting.

2-7-5 Town officers, members of committees and department heads, or their duly designated representatives shall attend any town meeting for the purpose of furnishing information, when proposals affecting their particular office, committee, or department are included in the Warrant.

2-7-6 In all procedural matters, the Town Meeting shall follow rules of order as provided by this Charter, MGL, bylaws, and the current edition of *Town Meeting Time*.

2-7-7 Rules of parliamentary procedure in simplified form shall be prepared by the Town Clerk in consultation with the Moderator, and shall be made available for distribution to all those requesting them, and to those in attendance at all town meetings.

2-7-8 No person shall speak more than twice on the same question unless authorized to do so by the Moderator.

2-7-9 A motion to reconsider shall only be in order if made within one hour following the vote and at the same session. Such a motion may be made by any voter.

Section 2-8 Town Meeting Committees

2-8-1 All ad hoc committees created by a town meeting shall be appointed by the Moderator, unless the motion establishing such committee shall name the members, provide for their election, or provide for a different appointing authority.

2-8-2 All ad hoc committees created by a town meeting shall make a verbal report at the next town meeting that occurs at least six months after a quorum of the committee is appointed. Such a report shall serve to discharge such committee, unless the Town Meeting shall vote to prolong its existence for a period not exceeding one year. Written copies of such reports shall be submitted to the Town Clerk and to the Town Administrator, and shall be published in the next *Annual Town Report*.

2-8-3 Deleted <date of 2019 ATE>.

2-8-4 Moved to Section 2-8-2 <date of 2019 ATE>.

CHAPTER 3 SELECTBOARD

Section 3-1 The Selectboard

3-1-1 A Selectboard of five members shall be elected for three-year overlapping terms.

3-1-2 Members of the Selectboard shall receive such compensation as may be authorized and appropriated by the Town Meeting.

3-1-3 Vacancies on the Selectboard shall be filled by special election in accordance with the provisions of MGL.

3-1-4 Deleted <date of 2019 ATE>.

Section 3-2 Policy Leadership Responsibilities

3-2-1 Except as otherwise provided by this Charter, all executive powers of the Town shall be vested in the Selectboard. The Selectboard shall have all of the powers and duties given to boards of selectmen under the state constitution and MGL, and such additional powers and duties as may be authorized by this Charter, by bylaw, or by a vote of town meeting.

3-2-2 The Selectboard shall cause the laws for the governance of the Town to be enforced.

3-2-3 The Selectboard shall cause an up-to-date record of all its official acts to be kept.

3-2-4 The Selectboard shall serve as the goal-setting and policy-making agency of the Town. As such, the Board shall regularly direct the Town Administrator in carrying out its goals and policies.

Section 3-3 General Powers, Duties, and Responsibilities

3-3-1 The Selectboard shall have the power to enact rules and regulations and adopt policies for matters not otherwise governed by statute, this Charter, or bylaws, provided, however, that whenever an appropriation shall be necessary to implement such action, the vote of the Board shall be effective only if such appropriation has been authorized by the Town Meeting.

Section 3-4 Powers of Investigation

3-4-1 The Selectboard may conduct investigations and may authorize the Town Administrator or other agent to investigate the affairs of the Town or the conduct of any Town agency, including any doubtful claims against the Town, and for this purpose the Board may subpoena witnesses, administer oaths, take testimony and require the production of evidence. The report of such investigation shall be placed on file in the office of the Town Clerk, and a report summarizing such investigation shall be printed in the next *Annual Town Report*.

Section 3-5 Specific Powers, Duties, and Responsibilities

3-5-1 The Selectboard shall act as the licensing authority of the Town and shall have the power and responsibility required to issue licenses, to make all necessary rules and regulations regarding the issuance of such licenses, and to attach conditions and impose such restrictions as it considers to be in the public interest, and further to enforce, or cause to be enforced the laws, rules, and regulations relating to all business for which it issues licenses.

3-5-2 The Selectboard shall establish a police department and shall appoint a Chief of Police in accordance with MGL Chapter 41, Section 97A.

3-5-3 The Selectboard shall establish a fire department and shall appoint a Fire Chief in accordance with MGL Chapter 48, Sections 42, 43 and 44.

3-5-4 The Selectboard shall be recognized as head of the Town government for all ceremonial purposes.

3-5-5 The Selectboard shall conduct all public hearings between the hours of 5 PM and 11 PM.

Section 3-6 Powers of Appointment

3-6-1 The Selectboard shall have the power to appoint:

- (a) a Town Administrator as provided in Chapter Five of this Charter;
- (b) a Town Counsel;
- (c) a Police Chief; and
- (d) moved to Section 5-4-2. <date of 2019 ATE>
- (e) a Fire Chief.
- (f) moved to Section 5-4-2 <date of 2019 ATE>.
- (g) moved to Section 5-4-2 <date of 2019 ATE>.

(h) moved to Section 5-4-2 <date of 2019 ATE>.

(i) moved to Section 5-4-2 <date of 2019 ATE>.

(j) moved to Section 5-4-2 <date of 2019 ATE>.

3-6-2 The Selectboard shall also have the power to appoint:

(a) three members of a four member Board of Registrars of Voters for three-year overlapping terms; the fourth member shall be the Town Clerk by virtue of the office; and

(b) election officers in accordance with MGL.

3-6-3 The Selectboard shall have the power to appoint:

(a) five members and four alternate members of a Zoning Board of Appeals;

(b) five members of a Board of Health, one of whom shall be professionally qualified for the duties of the office, and two alternate members;

(c) seven members and two alternate members of a Planning Board;

(d) three members of a Board of Assessors, one of whom shall devote full working time to the duties of the office and shall be professionally qualified for the duties of the office as required by MGL

(e) seven members and two alternate members of a Conservation Commission;

(f) four members of a five member Personnel Board;

(g) five members of a Recreation Committee;

(h) five members and two alternate members of a Board of Water Commissioners; and

(i) members of a Local Comprehensive Planning Committee, the number and qualifications for membership of which shall be established by a vote of the Selectboard.

3-6-4 Where no other appointing authority is provided by this Charter, law or vote of the Town Meeting, the Selectboard shall be the appointing authority. The Selectboard shall appoint such other committees as may be in existence on the effective date of this Charter and such other committees as may be hereafter established by this Charter, bylaws or vote of the Town Meeting.

3-6-5 The committees enumerated in Section 3-6-3 and Section 3-6-4 shall be responsible to the Selectboard.

Section 3-7 Prohibitions

3-7-1 Except for the purpose of investigation authorized by this Charter, the Selectboard or its members shall not communicate directly with Town officers or employees who are subject to the direction and supervision of the Town Administrator without the express consent of the Town Administrator and only upon matters so approved. Neither the Selectboard nor its members shall give orders, expressed or implied, to any such officer or employee, either publicly or privately.

3-7-2 Members of the Selectboard shall be ineligible to serve on appointed committees to which the Selectboard is the appointing authority, except as authorized by the vote of the Annual Town Meeting.

CHAPTER 4 OTHER ELECTED TOWN BOARDS AND OFFICERS

Section 4-1 Elected Town Boards

4-1-1 Beginning with the first annual election held after the adoption of this Charter, Town committees to be elected by vote of the Town shall be:

- (a) a Selectboard;
- (b) a School Committee of five members;
- (c) a Board of Library Trustees of six members;
- (d) a Cemetery Commission of three members,

4-1-2 During the term for which a member is elected, and for one year following expiration of such term, no member of any elected committee under this Charter shall be eligible to accept any paid position under such committee or in the same department.

4-1-3 Vacancies on committees, established under Chapter 4 of this Charter and appointed by the Selectboard, except the Selectboard, shall be filled in accordance with the provisions of MGL Chapter 41, Section 11.

Section 4-2 Elected Officers

4-2-1 The following Town officers shall be elected by vote of the Town:

- (a) A Moderator, for a one-year term.
- (b) Two Constables for three-year terms.

(c) A representative to the Nauset Regional School Committee, for a three-year term.

4-2-2 Vacancies shall be filled in accordance with the provisions of MGL.

Section 4-3 Duties of Elected Boards and Officers

4-3-1 In addition to the powers and duties prescribed by MGL, this Charter and bylaws, Town officers designated in Section 4-2-1, and committees designated in Section 4-1-1, which have independent authority to make appointments to paid positions shall:

(a) cause to be written, approve, sign, and file with the Town Administrator, job descriptions of all paid positions under their direction; and

(b) provide all information requested by the Town Administrator and Finance Committee relating to the preparation of the annual operating budgets, the capital budget and the capital improvement plan.

(c) Deleted <date of 2019 ATE>.

CHAPTER 5 THE TOWN ADMINISTRATOR

Section 5-1 Appointment

5-1-1 The Selectboard, by an affirmative vote of at least four members, shall appoint a Town Administrator for an indefinite term to serve at its pleasure. The Selectboard shall, by majority vote, set contract terms and a compensation package for the Town Administrator.

5-1-2 In the event of vacancies on the Selectboard, the absence, or the inability to act, of not more than two members thereof, the remaining three members shall, by majority vote, make an interim appointment for a period not to exceed ninety days. Any person so appointed shall be eligible to be considered for appointment as Town Administrator.

5-1-3 In selecting a Town Administrator, the Selectboard shall search for candidates by placing an advertisement in the International City Management Association Newsletter or similar professional publication and in at least two newspapers having statewide or regional circulation.

Section 5-2 Qualifications

5-2-1 The Town Administrator and interim Town Administrator shall be appointed on the basis of educational, executive and administrative qualifications and experience. The educational qualifications shall consist of at least a Bachelor's Degree, preferably in Public Administration, granted by an accredited, degree-granting college or university.

The professional experience shall include at least five years of prior, full-time, compensated, executive service in public or business administration. Alternatively, two years or more of professional experience and a Master's Degree in an appropriate discipline shall qualify any applicant.

Section 5-3 Duties

5-3-1 The Town Administrator shall be the chief administrative officer of the Town and shall be responsible for the direction and supervision of all employees, activities and departments placed by MGL, this Charter or bylaws under the control of the Selectboard.

5-3-2 The Town Administrator shall devote full working time to the duties of the office; shall not become a candidate for, or hold, any elected office while employed by the Town; and shall not engage in any business activity, except with the written consent of the Selectboard. The Town Administrator shall:

- (a) attend all meetings of the Selectboard, except when excused, and shall have the right to speak but not to vote;
- (b) assemble, prepare and present to the Selectboard and the Finance Committee all annual operating, enterprise and capital budgets of the Town and be responsible for the development and annual revision of the Capital Improvement Plan;
- (c) be responsible for seeing that the budget is administered as adopted by the Town Meeting and in accordance with MGL, this Charter, and bylaws;
- (d) keep the Selectboard fully informed regarding all departmental operations, fiscal affairs, general problems, and administrative actions, and to this end shall submit periodic reports to the Selectboard;
- (e) keep the Selectboard informed regarding the availability of federal, state and county funds and how such funds might relate to unmet long-range needs;
- (f) prepare applications for grants;
- (g) be responsible for the day-to-day administration of the Town's personnel system, in accordance with the Personnel Bylaw;
- (h) act as the chief procurement officer for the Town and be responsible for the purchasing for all Town functions and departments, except those for the School Department;
- (i) inform the Selectboard regarding vacancies in Town offices and committees to be filled by the Selectboard and inform the Selectboard when there are vacancies in departments under the supervision and control of the Town Administrator;

- (j) coordinate the activities among committees concerned with municipal planning, including the physical, economic, and environmental development of the Town;
- (k) develop, keep, and annually update a full and complete inventory of all property of the Town, both real and personal;
- (l) cause copies of the Warrant incorporating the recommendations thereto for all Town Meetings to be mailed to each voter's postal address at least fourteen days prior to each Town Meeting and to cause copies of the Warrant incorporating the recommendations thereto to be made available in at least two public places in the Town of Wellfleet, including the Wellfleet Post Office and the South Wellfleet Post Office at least fourteen days prior to Town Meeting; and
- (m) Deleted <date of 2019 ATE>
- (n) perform such other duties as may be required by this Charter, bylaws, or vote of the Selectboard.
- (o) consult with the Board of Water Commissioners and implement when necessary any of their decisions concerning the Department of Public Works' function in relation to the Town's Municipal Water System.

Section 5-4 Responsibilities for Appointments

5-4-1 The Town Administrator shall appoint and, except as may otherwise be provided by MGL, this Charter, the Personnel Bylaw, or collective bargaining agreements, may suspend or remove any full-time, part-time or seasonal employees and inspectors, except those subject to Section 5-4-2 and those of the Library Trustees, Police Department, Fire Department and the School Committee.

5-4-2 Subject to disapproval by the Selectboard within fourteen days of notice of the proposed appointment by the Town Administrator, the Town Administrator shall also have the power to appoint and, except as may otherwise be provided by MGL, this Charter, the Personnel Bylaw, contract or collective bargaining agreement, may suspend or remove:

- (a) directors and department heads;
- (b) the Town Accountant;
- (c) the Harbormaster;
- (d) the Shellfish Constable;
- (e) the Herring Warden;
- (f) the Assistant Town Administrator;

- (g) the Town Clerk;
- (h) the Town Treasurer; and
- (i) the Town Collector.

5-4-3 Notwithstanding any provision of this Charter, MGL, or bylaws to the contrary, one person may be appointed to serve as both Town Treasurer and Town Collector, and in such instance this shall be deemed to be a single position.

Section 5-5 Responsibilities for Personnel Administration

5-5-1 The Town Administrator shall administer and enforce the Personnel Bylaw, Selectboard policies, collective bargaining agreements and bylaws.

5-5-2 The Town Administrator shall cause to be written, approve, sign, and maintain in an up-to-date file the job description of all appointed positions under the direction of the Selectboard or Town Administrator. The Town Administrator shall maintain in said file an up-to-date listing of approved job descriptions of all appointed positions under the direction of other elected officers and committees.

Section 5-6 Responsibilities for Administrative Reorganization

5-6-1 The Town Administrator may, with the approval of the Selectboard, establish, reorganize, consolidate, or abolish any positions under the Town Administrator's direction and supervision, except as otherwise provided by MGL and this Charter.

Section 5-7 Department of Public Works

5-7-1 Deleted <date of 2019 ATE>.

Section 5-8 Removal

5-8-1 The Selectboard may initiate the removal of the Town Administrator by adopting a resolution to that effect, stating the reasons therefor, provided that no such resolution shall be adopted within sixty days following any Town election that has resulted in a change in the incumbents on the Board.

5-8-2 The adoption of said resolution shall serve to suspend the Town Administrator for a period of not more than forty-five days, during which the salary shall continue to be paid. A copy of the resolution shall be delivered forthwith to the Town Administrator in person, or sent by registered mail to the Town Administrator's place of residence.

5-8-3 Within ten days following the adoption of such resolution, the Town Administrator may file a written request for a hearing. If such a hearing is requested, the Selectboard shall schedule it within three weeks of such filing. The Selectboard shall advertise the hearing in a newspaper of local or regional circulation and shall cause notices

citing the purpose, location, time, and date to be posted in the Town Hall and in two or more public places in the Town including the Wellfleet Post Office and the South Wellfleet Post Office.

5-8-3-1 The Moderator, or a person designated by the Moderator, shall preside at any such hearing.

5-8-3-2 At any such hearing, the reasons for the removal shall first be read aloud. The Town Administrator shall then have the right to respond, either personally or through counsel. The Selectboard and the Town Administrator shall have the right to call witnesses and to subpoena any and all Town records.

5-8-4 Final removal of any Town Administrator shall be effected by the affirmative vote of at least three members of the Selectboard at an open public meeting of the Selectboard held within seven days of the Town Administrator's requested public hearing, pursuant to Section 5-8-3. If no hearing has been requested, final removal may be effected by an affirmative vote of at least three members of the Selectboard held not earlier than fourteen days after the vote initiating the removal. The salary of the Town Administrator shall continue to be paid for a period of thirty days after the vote effecting removal from office, unless otherwise provided for by contract.

5-8-5 The Town Administrator shall provide the Selectboard with at least ninety days notice of an intended resignation, provided, however, that the Selectboard may, at its discretion, shorten or waive such requirement.

Section 5-9 Filling Vacancy

5-9-1 When a vacancy arises in the office of the Town Administrator, the Selectboard shall begin the search process for a replacement within fourteen days and proceed to fill the vacancy as soon as possible.

Section 5-10 Acting Town Administrator

5-10-1 The Selectboard may designate a Town employee or other person to exercise the rights and perform the duties of the Town Administrator during any vacancy caused by temporary absence, suspension, removal, resignation or death. The appointment shall be for a period not to exceed ninety days, and it may be renewed, for additional periods not to exceed ninety days each.

CHAPTER 6 ELECTION AND RECALL

Section 6-1 Town Elections

6-1-1 The regular election for all Town officers shall be by official ballot held on the first Monday after the fourth Monday in April each year.

6-1-2 All MGL provisions with regard to Town elections shall apply, except as may herein be provided by this Charter.

Section 6-2 Town Elections Nonpartisan

6-2-1 All Town elections shall be nonpartisan, and election ballots shall be printed without any party mark, emblem, vignette, or designation whatsoever.

Section 6-3 Eligibility of Town Voters

6-3-1 Any voter of the Town shall be eligible for election to any elected office or committee of the Town, provided however that no person shall be a candidate for or hold, concurrently, more than one paid elected Town office.

Section 6-4 Time of Taking Office

6-4-1 Any person duly elected to any office or committee shall take up the duties of office immediately following certification and having been sworn to the faithful performance of the duties of the office by the Town Clerk.

Section 6-5 Recall of Elected Officers

6-5-1 Any holder of an elected office may be recalled by the voters as herein provided.

6-5-2 Any twenty-five voters may file with the Town Clerk an affidavit containing the name of the officer sought to be recalled and a statement of the grounds for recall. The Town Clerk shall thereupon issue to said voters copies of petition blanks demanding such recall. The blanks shall be issued with the Town Clerk's signature and official seal attached. They shall be dated, and shall contain the names of the persons to whom they are issued, the name of the person whose recall is sought, the grounds for recall as stated in the affidavit, and shall demand the election of a successor to the said office.

6-5-2a The recall petition shall be returned to the Town Clerk within twenty days after the date on the petition blanks, signed by at least twenty percent of the voters, who shall add to their signatures the addresses of their residences.

6-5-3 A copy of the petition shall be entered in the Town records.

6-5-4 The Town Clerk shall, within twenty-four hours of receipt, submit the petition to the Registrars of Voters of the Town who shall forthwith certify thereon the number of signatures which are names of voters.

6-5-5 If the petition is found to be sufficient, the Town Clerk shall issue a certificate so stating and shall submit the certificate to the Selectboard. The Selectboard shall forthwith give written notice of the receipt of the certificate to the officer sought to be recalled. If the officer does not resign within five days thereafter, the Selectboard shall order an election to be held on a date fixed by them not less than sixty-four nor more than eighty days after the

date on the Town Clerk's certificate that a sufficient petition has been filed. However, if any other Town election is to occur within ninety days after the date of the certificate, the Selectboard shall postpone the holding of the recall election to the date of such other election.

6-5-6 Any officer whose recall is sought may not be a candidate to succeed to the same office. The nomination of candidates, the publication of the Warrant for the recall election, and the conduct of the same, shall all be in accordance with the provisions of MGL relating to elections, and the election to replace the officer sought to be removed shall be held on the same day as the recall election.

6-5-7 The incumbent shall continue to perform the duties of office until the recall election. If not recalled, the incumbent shall continue in office for the remainder of the unexpired term, and shall not again be subject to recall during that term of office. If recalled, the incumbent shall be deemed removed upon the qualification of a successor who shall hold office during the unexpired term. If a successor fails to be sworn in within five days after receiving notification of election, the incumbent shall thereupon be deemed removed and the office vacant.

6-5-8 The form of the question to be voted upon shall be substantially as follows: "Shall [here insert the name and title of the elected officer whose recall is sought] be recalled?" The action of the voters to recall shall require a majority vote, but shall not be effective unless the total of those voting for and against recall shall exceed thirty percent of the voters of the Town.

6-5-9 No person having been recalled or having resigned from office while recall proceedings were pending shall be appointed to any Town office within two years following said recall or resignation.

CHAPTER 7 FINANCIAL PROVISIONS AND PROCEDURES

Section 7-1 Finance Committee

7-1-1 A Finance Committee of nine members and two alternates shall be appointed by the Moderator for three-year overlapping terms with the approval by vote of the Town Meeting.

7-1-2 Any person duly appointed to the Finance Committee shall take up the duties of the office upon final adjournment of the Annual Town Meeting, after having been sworn to the faithful performance of the duties of the office by the Town Clerk.

7-1-3 Vacancies on the Finance Committee shall be filled by the Moderator within thirty days on an interim basis. Such appointments shall be approved by vote of the next Special or Annual Town Meeting. Any person appointed to fill out an unexpired term shall take up the duties immediately after being sworn to the faithful performance of the duties of the office by the Town Clerk.

7-1-4 No member of the Finance Committee shall hold any other Town office, except that of a member of the Personnel Board, unless appointment to another Town office is specifically authorized by the Moderator.

Section 7-2 Submission of Budget and Budget Message

7-2-1 On or before the thirty-first of October of each year, the Selectboard shall prepare and issue a policy statement relating to the budget for the ensuing fiscal year. The statement shall recommend the outer limits of possible budget growth for all municipal departments. The policy statement shall be sent to all officials responsible for preparing budget requests. A copy of the statement shall be filed with the Town Clerk.

7-2-2 On or before the thirty-first of October of each year, the Selectboard and the Finance Committee shall set a date by which the Town Administrator shall submit to them the comprehensive budget for all Town functions for the ensuing fiscal year and an accompanying budget message, unless otherwise provided by MGL or bylaws.

7-2-3 The message shall explain the budget both in fiscal terms and in terms of work programs and shall be filed with the Town Clerk when issued. It shall:

- (a) outline the proposed financial policies of the Town for the ensuing fiscal year;
- (b) describe the important features of the budget;
- (c) indicate any major changes from the current year in financial policies; expenditures, and revenues, together with the reasons for such changes;
- (d) summarize the Town's debt position; and
- (e) include such other material as may be deemed appropriate.

7-2-4 The budget shall provide a complete financial plan for all Town funds and activities and shall be in such form as the Finance Committee may require. It shall indicate proposed expenditures for both current operations and capital projects during the ensuing year, detailed by departments, offices, committees, and purposes.

Section 7-3 Action on Proposed Budget – Repealed 4/30/13

Section 7-4 Budget Adoption

7-4-1 The Town Meeting shall adopt the budget, with or without amendments, prior to the beginning of the fiscal year.

Section 7-5 Capital Improvement Plan

7-5-1 The Town Administrator shall, after consultation with members of the Finance Committee, prepare a five year *Capital Improvement Plan* in a form approved by the Finance Committee, consistent with standards established by the Finance Committee. The Plan shall include:

- (a) a clear summary of its contents;
- (b) a list of all capital improvements proposed to be undertaken during the next five fiscal years, together with supporting data;
- (c) cost estimates, methods of financing, and recommended time schedules; and
- (d) the estimated annual cost of operating and maintaining the facilities to be constructed or acquired. The information may be revised and shall be extended each year with regard to capital improvement spending or in the process of construction or acquisition.

7-5-2 The *Capital Improvement Plan* shall be submitted to the Finance Committee and the Selectboard not later than the first of October. Within thirty days the Finance Committee shall prepare and submit a report and its recommendations on the *Capital Improvement Plan* to the Town Administrator and the Selectboard. A copy of the report shall be filed with the Town Clerk.

7-5-3 The Finance Committee shall publish, in one or more newspapers of general circulation in the Town, a general summary of the *Capital Improvement Plan* and a notice stating:

- (a) the times and places where copies of the *Capital Improvement Plan* are available for inspection; and
- (b) the date, time, and place, not less than seven days following such publication, when the Committee shall conduct a public hearing on said plan.

Section 7-6 Deleted content moved to 7-5-3 <date of 2019 ATE>.

Section 7-7 Annual Audit

7-7-1 At least thirty days before the end of each fiscal year, the Selectboard shall retain a certified public accountant or an accounting firm to make an audit of all accounts, books, records, and financial transactions of every department and committee, including the School Department.

7-7-2 A copy of every auditor's report shall be filed with the Town Clerk and shall be a public record. A summary thereof shall be published in the next *Annual Town Report*.

Section 7-8 Limit on Spending (subsection 7-8-1 deleted as of 4/29/96)

**CHAPTER 8 TOWN COMMITTEES APPOINTED BY THE
SELECTBOARD**

Section 8-1 Board of Health

8-1-1 Moved to Section 3-6-3 (b) <date of 2019 ATE>.

8-1-2 The Board of Health shall exercise such public health functions as may be prescribed by MGL, this Charter, and bylaws.

Section 8-2 Personnel Board

8-2-1 A Personnel Board of five members shall be appointed for three-year overlapping terms. Four members shall be appointed by the Selectboard and one member shall be appointed by the Finance Committee from its own membership. It shall consult from time to time with the Town Administrator on matters of personnel policy, practices and bylaws. It shall annually review the existing Personnel Bylaw and recommend to the Town Meeting such changes as it deems advisable in accordance with MGL, this Charter and bylaws.

Section 8-3 Board of Assessors

8-3-1 Moved to Section 3-6-3 (d) <date of 2019 ATE>.

8-3-2 The Board of Assessors shall exercise such powers and duties as are prescribed by MGL, this Charter, and bylaws.

Section 8-4 Zoning Board of Appeals

8-4-1 Moved to Section 3-6-3 (a) <date of 2019 ATE>

8-4-2 The Zoning Board of Appeals shall exercise such powers and duties as are prescribed by MGL, this Charter, and bylaws.

Section 8-5 Recreation Committee

8-5-1 Moved to Section 3-6-3 (g) <date of 2019 ATE>.

8-5-2 The Recreation Committee shall be responsible for advising the Recreation Director about the planning and managing of recreational programs and the physical facilities used by them..

Section 8-6 Planning Board

8-6-1 Moved to Section 3-6-3 (c) <date of 2019 ATE>.

8-6-2 The Planning Board shall make recommendations to the Town Meeting and to the Town Administrator on all matters concerning the physical, economic, and environmental development of the Town.

8-6-2a The Planning Board shall exercise such powers and duties as are prescribed by MGL, this Charter, and bylaws.

8-6-3 Deleted <date of 2019 ATE>.

8-6-4 The Town Administrator may appoint one or more members of a planning staff, provided that funds have been appropriated for that purpose. Any staff so appointed shall be professionally qualified by reason of education, training, and experience.

8-6-5 Any staff, if appointed, shall provide services to the Planning Board but shall be under the day-to-day supervision of the Town Administrator.

Section 8-6A: Local Comprehensive Planning Committee

8-6A-1 The Local Comprehensive Planning Committee shall be responsible for the development and periodic updating of the Local Comprehensive Plan which shall also serve as the master plan. A summary of said plan shall be submitted to the Town Meeting, which shall vote to adopt the summary, with or without amendments. After the summary has been acted on by the Town Meeting, the Planning Board shall consider the plan in making recommendations to the Town. The Committee shall report annually to the Town on the status of the master plan.

Section 8-7 Conservation Commission

8-7-1 Moved to Section 3-6-3 (e) <date of 2019 ATE>.

8-7-2 The Conservation Commission shall exercise such powers and duties as prescribed by MGL, this Charter, and bylaws.

Section 8-8 Board of Water Commissioners

8-8-1 Moved to Section 3-6-3 (h) <date of 2019 ATE>.

8-8-2 The Board of Water Commissioners shall have charge and control of all Wellfleet Municipal Water System subject to bylaws and requirements approved by a vote of the Town Meeting. The Board of Water Commissioners shall have all the powers, responsibilities and authority of boards of selectmen acting as water commissioners or to an elected board of water commissioners, granted by MGL except that the Board of Water Commissioners shall not have the powers of eminent domain nor be able to enter into contracts.

8-8-3 The Board of Water Commissioners shall establish, maintain and enforce the *Wellfleet Municipal Water System Rules and Regulations*

8-8-4 The Board of Water Commissioners, after consultation with the Town Administrator, shall choose and direct a well-qualified, licensed agent to monitor and implement the Municipal Water System. Any function related to the Municipal Water Systems to be performed by the Department of Public Works shall be assigned only through the Town Administrator.

8-8-5 Notwithstanding the provisions of Section 5-3-2 (h) of this Charter, except under emergency conditions, no contract relating to the Town's Municipal Water System shall be executed without prior approval of the Board of Water Commissioners.

8-8-6 The Board of Water Commissioners shall:

(a) correspond with federal, state or county agencies relating to the Town's Municipal Water System unless prohibited by contractual or statutory provisions;

(b) review all other correspondence with federal, state or county agencies relating to the Town's Municipal Water System; and

(c) receive copies of all correspondence from these agencies relating to the Town's Municipal Water System as soon as they are received by any Town official or committee.

Correspondence from the Board of Health is exempt from these provisions.

8-8-7 The Board of Water Commissioners shall be responsible for long-range planning for the provision of municipal water services. The Board shall prepare any long-range plans or management plans for the Municipal Water System required by the Massachusetts Department of Environmental Protection. The Board of Water Commissioners shall consult with the Selectboard, the Board of Health, the Conservation Commission, the Planning Board and the Town Administrator in the preparation of any long-range plans. Any long-range plan shall be filed with the Town Clerk. Any costs relating to the preparation of these plans may be included in the operating costs of the Wellfleet Municipal Water System or the Board may request an appropriation from the Town Meeting.

Section 8-9 Other Town Boards

8-9-1 Deleted <date of 2019 ATE>.

CHAPTER 8A TOWN COMMITTEES, GENERAL PROVISIONS

Section 8A-1 General Provisions

8A-1-1 All committees of the Town shall organize annually and elect a presiding officer and other necessary officers.

8A-1-2 All committees shall conduct their meetings in accordance with the provisions of this Charter, bylaws and MGL.

8A-1-3 During the term for which a member is appointed and for one year following expiration of such term, no member of any appointed committee, with the exception of a member of the Board of Assessors pursuant to Section 3-6-3 (d), shall be eligible to accept any paid position under such committee or in the same department.

8A-1-4 Any person duly appointed to any office or committee shall take up the duties of the office immediately after having been sworn to the faithful performance of the duties of the office by the Town Clerk.

8A-1-5 The absence of a member from four consecutive meetings of a committee shall serve to vacate the office, provided, however, that this provision shall not apply where said consecutive meetings occur within the same thirty day period. When such a vacancy has been created, the chairperson shall advise the appointing authority forthwith.

8A-1-6 Appointed regulatory committees shall conduct all public hearings between the hours of 5 p.m. and 11 p.m.

8A-1-7 No person shall serve simultaneously as a member of more than one of the following committees: Conservation Commission, Board of Health, Planning Board, Zoning Board of Appeals or the Board of Water Commissioners.

8A-1-8 When a committee as established by this Charter, by MGL or any other provision, includes alternate members, the chair of said committee may designate any alternate member to sit on the committee in the case of absence, inability to act, conflict of interest on the part of any member thereof, or in the event of a vacancy, until said vacancy is filled.

8A-1-9 Alternates may serve on working groups established by a committee for any legal purpose.

CHAPTER 9 TRANSITIONAL PROVISIONS Deleted <2019 ATE date>.